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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 ZHIYONG DING,

10 Petitioner,

11 v.

12 A. NEIL CLARK,

13 Respondent.

CASE NO. C08-1334-RSM-BAT

REPORT AND RECOMMENDATION

14 Petitioner Zhiyong Ding is a lawful permanent resident of the United States who is being  
15 detained by the U.S. Immigration and Customs Enforcement (“ICE”) at the Northwest Detention  
16 Center in Tacoma, Washington. On September 5, 2008, he filed a Petition for Writ of Habeas  
17 Corpus pursuant to 28 U.S.C. § 2241, seeking “conditional release or a bond hearing before the  
18 Immigration Judge.” (Dkt. 6 at 1). On October 15, 2008, respondent filed a Notice of  
19 Administrative Action Mooting Requested Habeas Relief, indicating that on October 14, 2008,  
20 petitioner appeared before an Immigration Judge, who, over the objection of respondent, entered  
21 bond in the amount of \$30,000. (Dkt. 11). The government asserted in the Notice that “[b]ecause  
22 Petitioner has received the relief specifically requested in his habeas petition, his Petition for Writ  
23 of Habeas Corpus is now moot and should be dismissed.” *Id.* The Court, therefore, construed  
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1 respondent's Notice as a Motion to Dismiss and directed the Clerk to note the motion, Dkt. 11, on  
2 the Court's calendar for consideration. (Dkt. 13). On October 17, 2008, respondent submitted a  
3 declaration, indicating that petitioner posted bond and was released from ICE custody on October  
4 16, 2008. (Dkt. 14).

5 For a federal court to have jurisdiction, "an actual controversy must exist at all stages of  
6 the litigation." *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9<sup>th</sup> Cir. 2002).  
7 "When a controversy no longer exists, the case is moot." *Id.* Because petitioner is no longer  
8 detained by ICE, the Court finds that petitioner's habeas petition should be dismissed as moot.  
9 *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9<sup>th</sup> Cir. 1992) (holding that the District Court  
10 properly dismissed plaintiff's claims that had become either moot or unripe). Accordingly, I  
11 recommend that this action be dismissed. A proposed Order accompanies this Report and  
12 Recommendation.

13 DATED this 17<sup>th</sup> day of November, 2008.  
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18 BRIAN A. TSUCHIDA  
19 United States Magistrate Judge  
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